

REMARKS

Applicants submit this paper in response to the Final Office Action dated April 16, 2009.

By way of this paper, independent claim 1 is currently amended. Support for the amendments to independent claim 1 can be found in paragraph [0008] of the present application, for example, and paragraphs [0012] and [0029] in combination with Fig. 2, for example. Therefore, no new matter has been added.

The accompanying amendments are proper for entry under 37 C.F.R. §1.116 practice because they do not present new issues requiring further search or consideration. Specifically, while a variety of the claims are amended, the newly recited language might easily have been expected to be claimed in the application. As such, the examiner should have already searched and considered these features in accordance with MPEP §904.02, which advises that examiner's should search the claimed subject matter as well as any disclosed features which might reasonably be expected to be claimed. Finally, the amendments should be entered because they overcome the rejections set forth in the previous office action, and because they place the application in condition for allowance (or in better condition for appeal).

In light of the foregoing amendments to the claims and the following remarks, Applicants believe that the present application is in condition for allowance and respectfully request the Office to acknowledge the same.

REJECTIONS UNDER 35 U.S.C. §102 & 102/103

Claims 1, 2, 6 and 7 stand rejected under 35 U.S.C. §102 as being assertedly anticipated by Robinson et al. (US 6,376,563). Claims 3, 12 and 13 stand rejected under 35 U.S.C. §102(b) as assertedly anticipated by, or, in the alternative, under 35 U.S.C. §103 as assertedly obvious over Robinson et al. '563. Claims 4 and 5 stand rejected under 35 U.S.C. §103 as being assertedly obvious over Robinson '563 in view of Van Erden et al. (US 6,288,131).

Independent claim 1 as now amended recites a method for reprocessing used PET bottles, by shredding the bottles to yield pure plastic flakes, sorting the plastic flakes according to at least one criterion into at least two partial quantities, and performing an industrial reprocessing treatment of each of the at least two partial quantities, with the industrial reprocessing treatment including at least one decontamination treatment for each of the at least two partial quantities of the plastic flakes. As amended then, the bottles are shredded into pure plastic flakes, and the industrial reprocessing treatment includes at least one decontamination treatment for each of the at least two partial quantities.

The Examiner argues that Robinson '563 shows step 1b) according to the present patent application and therefore cites Robinson '563 column 6, lines 31 to 38. In this column Robinson describes a sorting step in which a separation of polypropylene, polyethylene, paper and other materials are separated from each other. Looking at figure 1A of Robinson, the Examiner cites the step of "Segregate by flotation-PE,PP and Paper from PET-Material". But with respect, this is a misunderstanding on the Examiner's of the present application's process. That is, the separation mentioned in the present step 1b is already done with PURE PET-FLAKES. (Note paragraph [0008] of the present application where it is mentioned that "...in step b), essentially pure plastic flakes are sorted into at least two partial quantities and treated further according to at least one criterion".) It is therefore a misunderstanding by the Examiner that the lines cited by the Examiner in Robinson '563 shows the present separation process.

The same misconstrued analysis is valid for the Van Erden reference (see page 4 of the office action). That is, the segregation mentioned by Van Erden is not shown in the present application. Or to be more precise, the Van Erden segregation process takes place at a very early process step, that is not shown or used in the present application (see paragraph [0008] of the present application).

Another important difference between Van Erden and the presently claimed invention is that the flattening of the particles in the Van Erden process takes place with PET AND PVC flakes (see Van Erden at Fig. 1A). After flattening the PVC flakes are segregated (see Van Erden step "Browned PVC flakes are blown into discharge bin"). However, the present application's process is quite different due to not having any other plastics in the

flakes than PET. It is important that the presently claimed steps a), b) and c) of claim 1 are taking place with PURE PET flakes, contrary to the Van Erden process as mentioned by the Examiner.

And neither Van Erden nor Robinson discloses a method according to which a PURE PET particle fraction is divided into at least two partial quantities and according to which each partial quantity is then treated with a decontamination process.

This process is disclosed in the present application in Fig. 2, where one can see the step “decontamination, head “intense””, and in paragraph [0012] and [0029]. There it can be seen that it is also one embodiment of the present invention that the two partial quantities are each treated with a decontamination process.

However, according to Robinson, the chunk flakes are separated (see Fig. 1A, step “remove chunks by destoner” according to step b) by the present application and NOT treated with a decontamination treatment. The only thing Robinson mentions is that the chunks can be added to the solid state polymerized flakes at the end of the process to adjust the resulting intrinsic value before being fed into the extruder (see Robinson column 12, lines 34-40, and Fig. 1B, step “Add chunks, non SSP-Pellets, low IV Flakes”). Thus, Robinson does not show a process with two decontamination processes, i.e., one for each particle fraction.

According to Van Erden the flakes and the chunks are flattened to an article fraction that contains only “flakes” and no more chunks. This ONE article fraction is then treated with a decontamination treatment. Thus, Van Erden also does not show a separation of two PURE PET-particle fractions and a decontamination treatment for EACH of the quantities.

Accordingly, neither Robinson ‘563 nor Van Erden ‘131, nor any other reference of record, whether alone or in combination, discloses or suggests each and every limitation recited in independent claim 1.

In light of the foregoing, Applicants request the Examiner to reconsider and withdraw the outstanding anticipation and obviousness rejections.

CONCLUSION

Applicant believes that each of the outstanding rejections, objections, and/or other concerns have either been accommodated, traversed or rendered moot. Therefore, the application is considered to be in condition for allowance. Should there remain any outstanding issue that the Office may be remedied via telephone conference, please contact the undersigned at (312) 474-6300.

Dated: *August 13, 2009*

Respectfully submitted,

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